

Message Text

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ORIGIN EB-08

INFO OCT-01 EA-09 ISO-00 CAB-05 CIAE-00 COME-00
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FM SECSTATE WASHDC
TO AMEMBASSY TOKYO

UNCLAS STATE 178982

E.O. 11652: N/A

TAGS: EAIR, JA

SUBJ CT: CIVAIR: SEATTLE/PORTLAND-JAPAN SERVICE
INVESTIGATION

1. ON JULY 26, CAB ADMINISTRATIVE LAW JUDGE SUBMITTED HIS
DECISION TO BOARD, RECOMMENDING THAT, BECAUSE "PUBLIC
CONVENIENCE AND NECESSITY" DO NOT REQUIRE CERTIFICATION OF
AIRLINE BETWEEN SEATTLE/PORTLAND AND JAPAN, APPLICATIONS
OF BRANIFF, CONTINENTAL, PAN AM, TWA, WESTERN AND UNITED
SHOULD BE DENIED. JUDGE BASED RECOMMENDATION ON (1)
UNREALISTIC ESTIMATES OF TRAFFIC; (2) ADEQUACY OF PRESENT
SERVICE AND (3) IMPLICIT OPPOSITION OF JAPANESE GOVERNMENT.

2. PORTION OF CONCLUSIONS CONCERNING JAPAN FOLLOWS:

QUOTE JAPANESE GOVERNMENT QUESTIONS. THE RECORD IS SPARSE
ON THIS ISSUE WITH THE FACTUAL MATERIAL CONSISTING OF THE
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TESTIMONY OF A PAN AMERICAN WITNESS SCHOOLED IN SUCH MATTERS
AND A WITNESS OF SIMILAR QUALIFICATIONS APPEARING ON BEHALF
OF WESTERN. THE STATE DEPARTMENT DID NOT MAKE AVAILABLE
A WITNESS TO ELABORATE ON ITS STATEMENT OF POSITION WHICH
HAS BEEN REFERRED TO EARLIER.

PAN AMERICAN FORSEES SERIOUS JAPANESE CONSEQUENCES THROUGH

THE AUTHORIZATION OF AN ADDITIONAL U.S. CARRIER INTO TOKYO FROM SEATTLE BUT WITH PAN AMERICAN OFFERING THE POSSIBILITY OF THE LEAST AMOUNT OF ADVERSE REACTION. WESTERN RECOGNIZES THE EXISTENCE OF THE PROBLEM BUT IT CONTENTS THAT THERE WOULD BE MORE OBJECTION TO THE SELECTION OF PAN AMERICAN THAN THERE WOULD BE TO THE SELECTION OF WESTERN BECAUSE OF THE SIZE OF PAN AMERICAN AND THE FACT THAT IT SERVES OTHER ORIENT POINTS. SEATTLE ALSO RECOGNIZES THE EXISTENCE OF THE PROBLEM BUT IT SUGGESTS THAT IT BE IGNORED FOR THE PURPOSE OF THIS CASE. IT FINDS SUPPORT IN THE STATEMENT OF POSITION OF THE DEPARTMENT OF STATE THAT IT HAS RECEIVED NO INDICATION FROM THE JAPANESE GOVERNMENT AS TO ITS CONCERNS RESPECTING ANY AWARD IN THIS PARTICULAR PROCEEDING.

THE CONTRIBUTION OF STATE PROVIDES LITTLE HELP TOWARD THE RESOLUTION OF THIS QUESTION BEYOND CONFIRMING THAT IT DOES EXIST. ITS STATEMENT SUMMARILY RECITES THAT IT HAS RECEIVED NO INDICATION FROM THE JAPANESE GOVERNMENT AS TO ITS CONCERNS AND THAT THE PRESENT CIVIL AIR TRANSPORT AGREEMENT DOES NOT CONTAIN LIMITATIONS ON THE NUMBER OF AIRLINES EITHER GOVERNMENT MAY DESIGNATE. IT SUGGESTS NO CONCLUSIONS ON THE BASIS OF THESE RECITALS BUT IT DOES REFER TO AN INDICATION OF THE ATTITUDE OF THE JAPANESE AUTHORITIES IN THE PAST REGARDING THE ENTRY OF ADDITIONAL UNCLASSIFIED

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U.S. CARRIERS TO JAPAN.

IN THE MATTER OF THE POLICY OF THE GOVERNMENT OF JAPAN TOWARD GRANTING LANDING RIGHTS FOR CHARTER FLIGHTS IT OFFERS ONLY THE INFORMATION THAT IN AN EXCHANGE OF DIPLOMATIC NOTES AS OF SEPTEMBER 15, 1953, THE GOVERNMENTS WILL PERMIT PROPERLY AUTHORIZED CARRIERS TO OPERATE CHARTER FLIGHTS. WHILE STATE OFFERED NO INFORMATION ON THE POINT IT IS WELL KNOWN THAT THE SUPPLEMENTAL CARRIERS, PARTICULARLY TIA AND WORLD HAVE HAD CONTINUING LANDING PROBLEMS WHICH ARE NOT FULLY EXPLAINED BY THE SCARCITY OF SLOTS AT THE TOKYO AIRPORT.

SINCE THE CLOSE OF THE HEARING REPRESENTATIVES OF THE U.S. AND JAPAN HAVE TAKEN STEPS TO RECONSIDER THE EXISTING CIVIL AIR TRANSPORT AGREEMENT AND NEGOTIATING SESSIONS ARE NOW IN PROGRESS. IT IS REASONABLE TO ASSUME THAT THE QUESTION OF THE DESIGNATION OF ADDITIONAL U.S. CARRIERS INTO JAPAN, AND IN PARTICULAR THE DESIGNATION OF SUCH CARRIERS INTO TOKYO FROM SEATTLE/PORTLAND, WILL BE CONSIDERED. IT IS ALSO REASONABLE TO ASSUME THAT THE MATTER OF LANDING RIGHTS FOR CHARTER FLIGHTS WILL BE COVERED IN

THESE NEGOTIATING SESSIONS.

IN VIEW OF THE INADEQUACY OF THE RECORD HEREIN WITH RESPECT TO THE ATTITUDE OF THE JAPANESE GOVERNMENT AS TO THE DESIGNATION OF AN ADDITIONAL CARRIER INTO JAPAN FROM SEATTLE/PORTLAND, THE NEGOTIATIONS NOW IN PROGRESS, AND THE FACT THAT IN OTHER RESPECTS THE RECORD AT BEST MAKES OUT A VERY WEAK CASE AS TO THE REQUIREMENTS OF THE PUBLIC CONVENIENCE IT WOULD BE IMPRUDENT TO FORCE THE ISSUE WITH JAPAN IN THIS CASE. UNQUOTE

3. COPY OF RECOMMENDATION WILL BE AIR POUCHED TO POST.

4. BOARD WILL NOW REVIEW CASE AND JUDGE'S RECOMMENDATION
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BEFORE SUBMITTING ITS RECOMMENDATION TO PRESIDENT FOR HIS APPROVAL. IMPOSSIBLE TO FORECASE HOW LONG WHOLE PROCESS WILL TAKE.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
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Decaption Note:
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
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Disposition Event:
Disposition History: n/a
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Enclosure: n/a
Executive Order: N/A
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Subject: CT: CIVAIR: SEATTLE/PORTLAND-JAPAN SERVICE INVESTIGATION
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